

In the Court of Appeals of the State of Alaska

Randell G Jackson,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13406**

Order

Allow at Public Expense

Date of Notice: **5/13/2019**

Trial Court Case No. **1HA-16-00022CI, 1HA-12-00043CR**

Randell G. Jackson represents himself in this appeal, which arises from the summary dismissal of Mr. Jackson's application for post-conviction relief. Mr. Jackson has filed a motion requesting that the voir dire proceedings during the jury selection in Mr. Jackson's underlying criminal trial — Case No. 1HA-12-00043CR — be transcribed at public expense.

Mr. Jackson's request, however, does not explain how the voir dire proceedings from his underlying criminal case are relevant to his current appeal — that is, his appeal from the dismissal of his application for post-conviction relief. This Court notes that in the court order dismissing his application, the trial court lists seven issues raised by Mr. Jackson, but none of these issues concerns the jury selection in his criminal trial. If this issue was not raised in Mr. Jackson's application for post-conviction relief, then he may not now raise the issue in this appeal — if this is the case, then the voir dire proceedings are not relevant to this appeal, and he may not supplement the record with those proceedings. These proceedings are also not relevant if they were not presented to the trial court for its consideration when it made any of the rulings Mr. Jackson is challenging in this appeal. If the material was not presented to the trial court, then those materials may not be used to challenge the court's decisions in this appeal, or used in this

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appeal to otherwise seek some relief from this Court. *See* Appellate Rule 210(a) (“Material never presented to the trial court may not be added to the record on appeal.”)

That said, if Mr. Jackson can show that the voir dire proceedings were presented to the trial court for its consideration prior to making its decision, then Mr. Jackson may renew his request that a transcript of the voir dire proceedings be prepared. But in that case, to have the proceedings transcribed at public expense, Mr. Jackson must show that he cannot afford to have the proceedings transcribed at his own expense. To make this showing, Mr. Jackson must file an affidavit explaining his financial circumstances.

For these reasons, Mr. Jackson’s request to transcribe the voir dire proceedings during the jury selection of his criminal trial in Case 1HA-12-00043CR, and to supplement the appellate record with those proceedings is **DENIED**.

This denial is without prejudice, however, and Mr. Jackson may renew his request if he can show that the proceedings were considered by the trial court prior to its dismissal of Mr. Jackson’s application. If Mr. Jackson makes this showing, then — before the Court will order a transcript prepared at public expense — Mr. Jackson must also show that he cannot afford to have the proceedings transcribed at his own expense.

Entered under the authority of Chief Judge Allard.

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Clerk of the Appellate Courts

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